

(29)

CLAIM OF: K-MART CORPORATION
482 McBrien Road
East Ridge, TN 37412

FAVORABLE REPORT

For damages alleged to have been sustained as a result of a vehicular accident on July 2, 1998 at 230 Cleveland Avenue.

COM. *Public Safety*

DATE *2/15/2000*

BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE:

Wanda Hester
Sherry Bailey
James

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to K-MART CORPORATION the sum of \$1,000.00 in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a vehicular accident on July 2, 1998 at 230 Cleveland Avenue as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

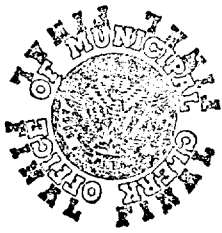
BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADOPTED BY
FEB 21 2000
COUNCIL

CERTIFIED
FEB 21 2000
John M. Starnes
COUNCIL PRESIDENT PROTEM

CERTIFIED
FEB 21 2000
Rosalind Rubens Newell
MUNICIPAL CLERK

APPROVED
MAR - 1 2000
WITHOUT SIGNATURE
BY OPERATION OF LAW



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

00-R-0151

A RESOLUTION

**BY PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **K-Mart Corporation** the sum of **\$1000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of a **vehicular accident on July 2, 1998 at 230 Cleveland Avenue** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

**ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403**

February 21, 2000

March 01, 2000

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0383

Date: February 3, 2000

Claimant /Victim K-Mart Corporation
BY: (Atty) (Ins. Co.) _____
Address: 482 McBrien Road, East Ridge, TN 37412
Subrogation: _____ Claim for Property damage \$ 4,279.00 Bodily Injury \$ _____
Date of Notice: 12/22/98 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 07/02/98 Place: 230 Cleveland Avenue
Department Public Works Bureau: Solid Waste Services Division _____
Employee involved Paulene Harris Porter Disciplinary Action: Employee Resigned

NATURE OF CLAIM: The driver of the City vehicle backed into the claimant's building causing damages in the above amount.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police X Dept Report not available Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

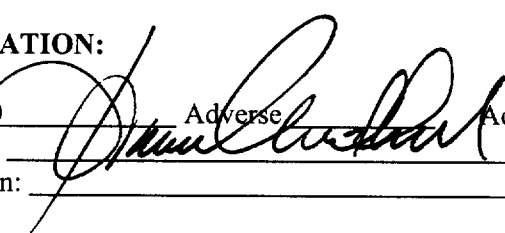
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement X
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 1,000.00 Adverse _____ Account charged: 1A01 X 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 02-03-00
Committee Action: _____ Council Action _____



M. H. Allen
06/28/99
DL

Kmart Corporation
Dept. of Facilities Management
Southern Region
Kmart #4241
462 McAllen Road
East Ridge, TN 37412

ENTERED - 6-29-99 - SB
99L0383 - DIANNE MITCHELL

June 16, 1999

Ms. Diane Mitchell, Claims Manager
City of Atlanta Claims Department
68 Mitchell Street SW
Atlanta, GA 30335-0332

On August 2, 1998, at approximately 12:35 PM, city driver Paulene Harris Porter backed a City of Atlanta sanitation truck into a side wall and door at Kmart store #4072 located at 230 Cleveland Avenue. Due to the urgency and the need to have a secure building, the repairs were contracted to Petroleum Services Corporation. I am attaching the following documents for your review and verification:

City of Atlanta Claim for Damages, dated 12/17/98
Georgia Uniform Motor Vehicle Private Property Accident Report, #981831007, dated 7/2/98
Invoice for Repairs from Petroleum Services, \$4279.00, dated 5/4/99

I am holding the invoice of \$4279.00, from Petroleum Services Corporation until further notice from your office. Please contact me on how we should proceed to settle this matter. My phone number is 423-894-4946. Thank you for your prompt attention to this matter.

Sincerely,

Ernest L. Walker
District Facility Manager

CC: Accident Reporting, P. O. Box 1456, Atlanta, GA 30371
David Redwine, Petroleum Services Corp., P. O. Box 602, Tucker GA 30084

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 99L0383

\$ 1,000.00

IN CONSIDERATION of the sum of ONE THOUSAND AND NO/100
DOLLARS, to be paid to me by the CITY OF ATLANTA, the future receipt of which is
hereby acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns,
release and forever discharge said City, its officers and employees, including but not limited to
Paulene Harris Porter, from any and all claims, demands,
actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or on
account of anything that has heretofore occurred, and particularly for or on account of _____

a vehicular accident

which occurred on or about the 2nd day of July, 1998.

at or near 230 Cleveland Avenue

It is further understood and agreed that the payment of the above named sum is not to be considered as an admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this instrument.

WITNESS my hand and seal this 20th day of August, 19 99.

David L. Walker (LS)
KIMART CORPORATION

The above release was read and explained to, and signed by the said E. Kest

Walker in our presence on the date above written.

Christy Light

Witnesses

00-*R*-0151

RCS# 1771
2/21/00
2:37 PM

Atlanta City Council

Regular Session

CONSENT AGENDA PAGES (1 - 9)

ADOPT

YEAS:	15	SEE ATTACHED LISTING OF ITEMS ADOPTED/ADVERSED ON CONSENT AGENDA
NAYS:	0	
ABSTENTIONS:	0	
NOT VOTING:	1	
EXCUSED:	0	
ABSENT	0	

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEMS REMOVED FROM
CONSENT AGENDA

00-O-0122
00-O-0123
00-R-0202
00-R-0020

00-O-0212 - Councilmember
Boazman Abstained

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 99-O-2072
2. 99-O-2073
3. 00-O-0127
4. 00-O-0124
5. 00-O-0126
6. 00-O-0066
7. 00-O-0125
8. 00-O-0211
9. 00-O-0212 *
10. 00-O-0213
11. 00-O-0207
12. 00-R-0220
13. 00-R-0196
14. 00-R-0209
15. 00-R-0180
16. 00-R-0176
17. 00-R-0174
18. 00-R-0145
19. 00-R-0146
20. 00-R-0147
21. 00-R-0148
22. 00-R-0149
23. 00-R-0150
24. 00-R-0151
25. 00-R-0152
26. 00-R-0153
27. 00-R-0154
28. 00-R-0155
29. 00-R-0156
30. 00-R-0157
31. 00-R-0158
32. 00-R-0159
33. 00-R-0160

**02/21/00 Council Meeting
ITEMS ADVERSE ON
CONSENT AGENDA**

34. 00-R-0161
35. 00-R-0162
36. 00-R-0163
37. 00-R-0164
38. 00-R-0165
39. 00-R-0166
40. 00-R-0167
41. 00-R-0168
42. 00-R-0169
43. 00-R-0170
44. 00-R-0171
45. 00-R-0172
46. 00-R-0173
47. 00-R-0175

* Councilmember Boazman
abstained from voting on item 00-
O-0212.